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EXAMINER

BELIVEAU, SCOTT E

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/047,127

Applicant(s)

SCHEIN ET AL. *DS*

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: .  |

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 14 January 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the Rogers "Telcos vs. Cable TV: The Global View" article referred to therein has not been considered.

### ***Request for Information***

2. With respect to the claim for priority, the examiner requests that a marked-up copy of the instant application be provided illustrating the subject matter added because of intervening art uncovered during the search. The instant application claims priority as a CIP to US Application 08/537,650 now abandoned. The examiner, however, is currently unable to obtain a copy of this application in order to determine the subject matter to which the earlier filing date of 2 October 1995 applies, as the original file has been indicated as having been lost by the Office circa 3 July 2003. The presumed closest equivalent document is WO/97/13368, however this document also claims priority as a continuation of both US Application 08/537,650 and US Application 08/642,259 with a filing date of 3 May 1996. Accordingly, for the purposes of priority the examiner shall presume that the subject matter disclosed in the WO/9713368 is equivalent to that in the 08/537,650 application and is therefore entitled to the 2 October 1995 filing date unless otherwise evidenced by the marked-up copy provided by the applicant.

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3. The specification incorporates the complete disclosures of the following documents "Using Starsight 2", "Starsight Interactive Television Program Guide, Phase III", and "Starsight Interactive Television Program Guide, Phase IV" and states that they are part of the specification (Page 29, Lines 6-14). As these documents have not been provided in the specification, the IDS, and appear to be missing from the case file of the parent application (08/837,025), the examiner respectfully requests that these documents and their associated publication dates be provided, so as the examiner may evaluate these documents as publication printed prior art.

#### *Drawings*

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 52 (Page 9, Line 19), 54 (Page 9, Line 20), 60 (Page 9, Line 26), 62 (Page 10, Line 12), 64 (Page 9, Line 23), 50 (Page 12, Line 11), 431 (Page 18, Line 6), 524, 526 (Page 22, Line 13), 700 (Page 29, Line 2), 714 (Page 30, Line 29), 718 (Page 30, Line 22), 762 (Page 32, Line 19), 770 (Page 32, Line 36). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 39, 40 (Figure 1), 24, 26, 28, 56, 58, 122 (Figure 2), 434, 460 (Figure 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the

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description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because numerous reference characters have been used to designate both components of the system (Figure 1) and sections of the EPG (Figure 2). A non-exhaustive list of the common elements is as follows:

- Reference character "10" has been used to designate both the computer system (Figure 1) and a portion of the EPG (Figure 2);
- Reference character "30" has been used to designate both the television system (Figure 1) and a portion of the EPG (Figure 2);
- Reference characters "34" and "36" have been used to designate both the VCRs (Figure 1) and a portion of the EPG (Figure 2);

Subsequently, the applicant is asked to review the Figures and make additional changes as appropriate. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "732" and "732" have both been used to designate a cell in the EPG (Figure 12A) and a display screen (Figure 13A). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

8. The disclosure is objected to because of the following informalities:
- “Accessory” is misspelled (Page 11, Line 10);
  - The specification references user manuals that are attached as Appendices A, B, and C, however, the specification does not include these section, nor have they been provided as part of the IDS (Page 29, Lines 6-14);
  - The reference to Figure 13A should be amended to reference Figure 15A (Page 30, Line 19);
  - Incorporation by reference of US Patent Application No. 08/423,411 appears to be incorrect as this application is entitled “Graft for Promoting Autogenous Tissue Growth” (Page 35, Line 5).

Appropriate correction is required.

9. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (Page 24, Line 37). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

***Claim Objections***

10. Claim 16 is objected to because of the term “whether” should be amended to read “weather”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

12. Claims 24 and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the examiner is unclear as to where support for the “second database electrically coupled to the second network and accessible from the IPG for storing television programs” is found. As the specification discloses the use of dual VCRs [36/37] to facilitate the recording and retrieval of programming, the examiner’s understanding is that the “second database” is actually the “second storage device”.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 3, 6, 8-13, 20-22, 24-25, 27, 30, 32-34, and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawler et al. (US Pat No. 5,585,838).

In consideration of claim 1, the Lawler et al. reference discloses an “interactive program guide” system [10] comprising a “database” [34] that stores “television schedule

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information” that is “electrically coupled to a first network” [24] (Col 6, Lines 7-21), a “television tuner” [52] that is coupled to a “second network” [14] (Col 6, Line 66 – Col 7, Lines 6, 33-36), a “display monitor” [20] (Col 7, Lines 19-27), a “storage device . . . for storing television programs” (not shown) (Col 14, Lines 10-14), an “input device” [22] (Col 7, Line 66 – Col 8, Line 14), and a “processor” [58] that is operable to “access the database” [34] to retrieve information necessary to “display a portion of the television schedule information on the display monitor in a guide format” (Col 12, Line 60 – Col 13, Line 15) and for “controlling the storage device to store a television program selected from the displayed schedule information” (Col 7, Lines 44-51; Col 14, Lines 22-48).

Claim 25 is rejected as aforementioned in claim 1 wherein the “television schedule information” is “stored” in a “database” [34] that is coupled to a “first network” [34] that may be “accessed” in order to “display a portion of the television schedule information in a guide” [78] on a “display monitor” [20] of a viewer station [16] coupled to a “second network” [14]. The viewer station [16] is operable to “receive user inputs” [22/66] and based on these inputs “tune a television tuner” [58] to a “television program selected from the displayed schedule information” (Col 9, Lines 57-67) and “controls a storage device” so as to record or “store a television program selected from the displayed television schedule information” (Col 14, Lines 10-15, 43-48).

Claims 3 and 27 are rejected based on a reinterpretation of the “network” designations such that the “first network” [14] is the network operable to connect the viewer stations [16] with the headend [12] and the “second network” is an inherent “home network” (Col 5, Lines



8-12) between the interconnected devices [18/20/22 + VCR] comprising the viewer station [16].

Claims 6 and 30 are rejected wherein the storage device is a “VCR” (Col 14, Lines 10-14).

Claims 8-9 and 32-33 are rejected wherein the “selected television program” may be either a “future television program” or a “current television program” (Col 13, Line 52 – Col 14, Line 48).

Claim 10 is rejected wherein the embodiment comprises means in the form of a remote controller [22] for “controlling the television tuner to tune to the selected television program”. Alternatively, the CPU [58] is operable to control the operation interactive station controller [18] and the “television tuner” [52] (Col 7, Lines 44-51).

Claim 11 is rejected wherein the embodiment would inherently “tune” to the “selected program” once the “future television program” began to be broadcast had it been designated for recording.

Claim 12 is rejected wherein the “tuner” may tune to the “selected program” if it is a “current television program” through the program guide “Go to Show” button [128].

Claims 13 and 34 are rejected wherein the embodiment further comprises a “second database” [34/32] that is “electrically coupled to the second network” [14] and “accessible from the IPG for providing previews of upcoming programs (Col 10, Lines 42-56).

Claims 20-21 and 40 are rejected wherein the IPG [78] comprises a section [108] for providing “information” including a “picture, video, and descriptive text” about a selected or “particular future program” (Col 10, Lines 28-56).

Claim 22 is rejected wherein the information about a "particular future program" is "interactive in response to the user input" such that the additional information is presented when the user moves the focus frame [102] to that particular program.

In consideration of claims 24 and 41, as aforementioned the Lawler et al. reference discloses the use of a "second database" [32] that is coupled to the "second network" [14] via the "first network" [24] and "accessible from the IPG for storing television programs" associated with PPV services (Col 6, Lines 1-6). The embodiment subsequently provides the "means for retrieving a stored television program" [138] as well as the "means for storing the retrieved television program" [130] in the storage device or VCR.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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17. Claims 2, 4-5, 7, 23, 26, 28-29, 31, and 42-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US Pat No. 5,585,838).

Claims 2 and 26 are rejected based on a reinterpretation of the “network” designations such that the “first network” [14] is the network operable to connect the viewer stations [16] with the headend [12] and the “second network” inherently comprises the interconnected devices [18/20/22 + VCR] comprising the viewer station [16].

With respect to the “first network” [14] being the Internet, the Lawler et al. reference does not explicitly disclose nor preclude the use of the Internet as a communication medium by which the servers [26] communicate with the viewer stations using a standard bi-directional communication format (Col 6, Lines 32-39). However, the reference suggests that the communication between viewer stations [16] and the head end [12] may be carried by different communication systems that include the use of a modem (Col 7, Lines 1-6). The examiner takes OFFICIAL NOTICE as to the existence of the Internet as a means for conducting bi-directional digital communications. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a bi-directional digital communication path such as the Internet as a component of a “first network” since the Lawler et al. reference explicitly suggests that the embodiment may be implemented using a variety of conventions, standards, or technologies without departing from the underlying concepts of the present invention (Col 5, Lines 41-46) and the Internet, as is known in the art, provides an inexpensive means by which bi-directional data communications may be facilitated.

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Claims 4 and 28 are rejected in view of the rejection of claims 2 and 26 wherein the “first network” [14] is the Internet. The “second network” is hence “part of the Internet” in so far as it acts as a “client” of the head end [12] based servers [26].

In consideration of claims 5 and 29, while the “first network” is the Internet and the remote “database” [34] is accessed to retrieve schedule information from this database, the reference does not explicitly disclose nor preclude that the database is necessarily “accessible via a web site”. It would have been an obvious matter of design choice to make the database “accessible via a web site”, since application has not disclosed that the explicit use of a “web site” as a means for the terminal to access the schedule information solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with other means of for remotely accessing a database via the Internet such as via an FTP connection, remote procedure calls, CGI scripts, etc.

In consideration of claims 7 and 31, the Lawler et al. reference discloses the claimed invention except for a “digital storage device”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a “digital storage device” since the examiner takes OFFICIAL NOTICE of the equivalence of “VCRs” and “digital storage devices” for their use in the recording art and the selection of any of these known equivalents to record and store televised programming would be within the level of ordinary skill in the art. Furthermore, it is well known in the art for a “VCR” at the time of the invention to be broadly construed as a “digital storage device”.

Claim 23 is rejected wherein the embodiment further comprises a “second database” [34/34] that is “electrically coupled to the second network” [14] and “accessible from the

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IPG for providing previews of upcoming programs (Col 10, Lines 42-56). The reference does not explicitly disclose that these “previews” are a form of “advertisement”. It is notoriously well known in the art that “previews” for upcoming pay-per-view programming are a form of “advertisement” for those programs. Accordingly, it would have been obvious to one having ordinary skill in the art at the time of the invention was made that to utilize the “previews” as “advertisements” for future pay-per-view programming for the purpose of increasing the operator revenue by encouraging viewers to order pay-per-view programs.

In consideration of claim 42, the Lawler et al. reference discloses an “interactive program guide” system [10] comprising a “database” [34] that stores “television schedule information” that is accessible via a network [14] (Col 6, Lines 7-21), a “television tuner” [52] that is coupled to another network (Col 6, Line 66 – Col 7, Lines 6, 33-36), a “storage device . . . for storing television programs” (not shown) (Col 14, Lines 10-14), and a “processor” [58] that is operable to “access the database” [34] to retrieve information necessary to “display a portion of the television schedule information on the display monitor in a guide format” [20] (Col 12, Line 60 – Col 13, Line 15) and for “controlling the storage device to store a television program selected from the displayed schedule information” (Col 7, Lines 44-51; Col 14, Lines 22-48).

With respect to the “network” [14] being the Internet, the Lawler et al. reference does not explicitly disclose nor preclude the use of the Internet as a communication medium by which the servers [26] communicate with the viewer stations using a standard bi-directional communication format (Col 6, Lines 32-39). However, the reference suggests that the communication between viewer stations [16] and the head end [12] may be carried by

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different communication systems that include the use of a modem (Col 7, Lines 1-6). The examiner takes OFFICIAL NOTICE as to the existence of the Internet as a means for conducting bi-directional digital communications. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a bi-directional digital communication path such as the Internet since the Lawler et al. reference explicitly suggests that the embodiment may be implemented using a variety of conventions, standards, or technologies without departing from the underlying concepts of the present invention (Col 5, Lines 41-46) and the Internet, as is known in the art, provides an inexpensive means by which bi-directional data communications may be facilitated.

Claim 43 is rejected wherein the "network" is an inherent "home network" (Col 5, Lines 8-12) comprising the interconnected devices [18/20/22 + VCR] of the viewer station [16].

Claim 44 is rejected wherein the "network" is "part of the Internet" in so far as it acts as a "client" of the head end [12] based servers [26].

In consideration of claim 45, while the Internet is utilized as a means to access and retrieve schedule information from the remote "database" [34], the reference does not explicitly disclose nor preclude that the database is necessarily "accessible via a web site". It would have been an obvious matter of design choice to make the database "accessible via a web site", since application has not disclosed that the explicit use of a "web site" as a means for the terminal to access the schedule information solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with other means of for remotely accessing a database via the Internet such as via an FTP connection, remote procedure calls, CGI scripts, etc.

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In consideration of claim 46, the Lawler et al. reference discloses the claimed invention except for a "digital storage device". It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a "digital storage device" since the examiner takes OFFICIAL NOTICE of the equivalence of "VCRs" and "digital storage devices" for their use in the recording art and the selection of any of these known equivalents to record and store televised programming would be within the level of ordinary skill in the art. Furthermore, it is well known in the art for a "VCR" at the time of the invention to be broadly construed as a "digital storage device".

Claim 47 is rejected wherein the "selected television program" may be a "future television program" (Col 14, Lines 30-48).

18. Claims 14-16 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US Pat No. 5,585,838), in view of Knee et al. (US Pat No. 5,589,892).

In consideration of claims 14 and 35, the Lawler et al. reference suggests that the embodiment is operable to support a variety of program sources and interactive services (Col 16, Lines 35-38) and may further comprise a number of program guides (Col 12, Lines 22-42). However, the reference does not explicitly illustrate that the embodiment further comprises an "icon" for "establishing a link to a product database for purchasing a product". The Knee et al. reference discloses an interactive program guide that further comprises "icons" [401] for "establishing a link to a product database for purchasing a product" in conjunction with a current program time guide (Figures 43A-E; Col 36, Line 62 – Col 38, Line 35). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lawler et al. embodiment, if necessary, to further provide

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“icons” that “establish a link to a product database for purchasing a product” for the purpose of providing a new vehicle for marking program-related products and services capable of reaching a very large audience that would not normally tune to existing home shopping channels (Knee et al.: Col 4, Lines 56-60; Col 38, Lines 32-35)

In consideration of claims 15-16 and 36, as aforementioned, the Lawler et al. reference discloses that it is operable to support a variety of program sources and interactive services (Col 16, Lines 35-38). The reference, however, does not explicitly disclose nor preclude that the incorporation of a “link to a service provider data from information independent of the user’s program choice”. The Knee et al. reference discloses an EPG that further comprises such a “link” which provides information pertaining to “sports, news, scores, financial data, and weather information” (Col 45, Lines 26-54). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lawler et al. reference to provide a “link” to “service provider databases” as disclosed by Knee et al. for the purpose of enhancing the utility of the EPG into a personalized multimedia information system with a convenient and highly flexible user interface (Knee et al.: Col 4, Lines 64-67; Col 38, Lines 55-59).

19. Claims 17-18 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US Pat No. 5,585,838), in view of Lawler (US Pat No. 5,758,259).

In consideration of claims 17-18 and 37-38, the Lawler et al. reference suggests that the program guide may be customized based upon user preferences and viewing habits (Col 14, Lines 61-65), however, it does not explicitly disclose nor preclude that this customization may be performed by “searching the first network”. The Lawler reference discloses an



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interactive program guide wherein a “virtual agent” is operable to “automatically search the first network based on preferences of the user” that are “learned” from “previous user choices” of programming. The virtual agent subsequently uses this information in order to generate a “customized” IPG [80] (Col 4, Lines 43-49; Col 5, Lines 54-59; Col 9, Lines 19-26) for presentation to the viewer. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lawler et al. embodiment with the “virtual agent” / IPG customization teachings of Lawler for the purpose providing the user with a programming guide that is automatically personalized thus reducing the programming information a viewer must consider to identify appropriate programming selections (Lawler: Col 2, Lines 31-37).

20. Claims 19 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US Pat No. 5,585,838), in view of Harrison (US Pat No. 5,694,163).

In consideration of claims 19 and 39, the Lawler et al. embodiment discloses that the particular menu options and actions associated with the current program could vary and could include additional options (Col 14, Lines 16-22), however, it does not disclose nor preclude that these additional options may link to a “chat room Internet site”. The Harrison et al. reference discloses a method wherein a television viewer may participate in an on-line chat room associated with a particular program (Col 3, Line 53 – Col 4, Line 15).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lawler et al. reference to provide the user with the ability to link to a “chat room Internet site related to a selected program” as disclosed by Harrison for the

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purpose of providing users with the ability to discuss the current televised program

(Harrison: Col 2, Lines 24-51).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The Matthews, III et al. (US Pat No. 6,025,837) reference discloses an interactive entertainment system including an electronic program guide with hyperlinks to additional information. The examiner is unclear as to whether or not this reference qualifies as prior art under 35 U.S.C. 102 based on the inability to confirm what subject matter receives the benefit of the 2 October 1995 priority date.
- The Wehmeyer et al. (US Pat No. 5,876,226) reference discloses a television system in which an agent is operable to provide programming suggestions to the viewer based on previous choices. The examiner is unclear as to whether or not this reference qualifies as prior art under 35 U.S.C. 102 based on the inability to confirm what subject matter receives the benefit of the 2 October 1995 priority date.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907.

The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SEB  
August 5, 2003



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600